IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION NO : 22035 of 2005

Between:

M/s.Srilakshmi Srinivasa Wines,

(A proprietary Concern), Office at 4-73,

Pillarya Street, Yanam-533 464,
State of Pondicherry, represented

by its Authorised Person Mr.M.Somasekhara Rao,

s/o D.Nageswara Rao, r/o Yanam, E.G.District.

..... PETITIONER

AND

The Commissioner of Prohibition and Excise

of Andhra Pradesh, office at Opp:Gandhi Bhavan,

Nampally, Hyderabad.

.....RESPONDENT

* * *

ORDER:

This writ petition has been filed to declare the action of the respondent in not

disposing of applications for T.T.Ps (through transport permit) under rules 15 and 16 of the Andhra Pradesh Excise (Import, Export and Transport of Indian Liquor and Foreign Liquor-Permits) Rules, 2005, within a reasonable time, as arbitrary and illegal.

2. It is the case of the petitioner that he holds a wholesale and retail license for dealing in Indian and Foreign Liquor issued by the Government of Pondicherry. Since a T.T.P. (through transport permit) is required for transportation of Indian and Foreign Liquor including Beer through the State of Andhra Pradesh from any other state to destination outside the state, the petitioner made an application to the respondent under Section 15 for issuance of 'through transport permit (T.T.P). However, the respondent did not issue the same.

3. Heard the learned counsel for the petitioner and the learned Government Pleader for Prohibition and Excise appearing for the respondent.

4. Appropriate decision has to be taken by the respondent in accordance with law in disposing of the applications for T.T.Ps under Rules 15 and 16 of the Andhra Pradesh Excise (Import, Export and Transport of Indian Liquor land Foreign Liquor-Permits) Rules, 2005. As per Rule 16(3) a Prohibition and Excise Officer authorized, by the Commissioner of Prohibition and Excise after making such enquiry as he may considered necessary and on being satisfied that the excise duty on the Indian liquor and foreign liquor to be transported has been paid, may issue a transport permit.

5. Learned Government Pleader for Prohibition and Excise seeks four days time for considering the applications by the authorities.

6. Hence, the writ petition is disposed of directing the respondent to take appropriate decision on the applications of the petitioner within four days from the date of receipt of a copy of this order. No costs.

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K.C.BHANU, J.

Date: 07th October 2005.

Note:

Issue CC by tomorrow.

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BSB